

#### **§ 4.13-1**

any) the investigating officer or Marine Board of Investigation may propound such additional questions as may be necessary to clarify the testimony given by the witness.

(e) The subpoena referred to in subpart F of this subchapter together with the list of interrogatories and cross-interrogatories (if any) shall be forwarded to the officer designated to take such deposition. This officer will cause the subpoena to be served personally on the witness. After service the subpoena shall be endorsed and returned to the investigating officer or Marine Board of Investigation.

(f) When the deposition has been duly executed it shall be returned to the investigating officer or Marine Board of Investigation. As soon as practicable after the receipt of the deposition the investigating officer or Marine Board of Investigation shall present it to the parties for their examination. The investigating officer or Marine Board of Investigation shall rule on the admissibility of the deposition or any part thereof and of any objection offered by either party thereto.

[CGD 74-119, 39 FR 33317, Sept. 17, 1974, as amended by CGD 96-041, 61 FR 50726, Sept. 27, 1996]

### **Subpart 4.13—Availability of Records**

#### **§ 4.13-1 Public availability of records.**

Coast Guard records are made available to the public in accordance with 49 CFR part 7.

[CGD 73-43R, 40 FR 13501, Mar. 27, 1975]

### **Subpart 4.19—Construction of Regulations and Rules of Evidence**

#### **§ 4.19-1 Construction of regulations.**

The regulations in this part shall be liberally construed to insure just, speedy, and inexpensive determination of the issues presented.

#### **§ 4.19-5 Adherence to rules of evidence.**

As hearings under this part are administrative in character, strict adherence to the formal rules of evidence is not imperative. However, in the interest of orderly presentation of the facts

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of a case, the rules of evidence should be observed as closely as possible.

### **Subpart 4.21—Computation of Time**

#### **§ 4.21-1 Computation of time.**

The time, within which any act, provided by the regulation in this subchapter, or an order of the Marine Board of Investigation is to be done, shall be computed by excluding the first day and including the last unless the last day is Sunday or a legal holiday, in which case the time shall extend to and include the next succeeding day that is not a Sunday or legal holiday: *Provided, however,* That where the time fixed by the regulations in this subchapter or an order of the Board is five days or less all intervening Sundays or legal holidays, other than Saturdays, shall be excluded.

### **Subpart 4.23—Evidence of Criminal Liability**

#### **§ 4.23-1 Evidence of criminal liability.**

If, as a result of any investigation or other proceeding conducted hereunder, evidence of criminal liability on the part of any licensed officer or certificated person or any other person is found, such evidence shall be referred to the U.S. Attorney General.

[CGD 74-119, 39 FR 33317, Sept. 17, 1974, as amended by USCG-2004-18884, 69 FR 58341, Sept. 30, 2004]

### **Subpart 4.40—Coast Guard—National Transportation Safety Board Marine Casualty Investigations**

SOURCE: CGD 76-149, 42 FR 61200, Dec. 1, 1977, unless otherwise noted.

#### **§ 4.40-1 Purpose.**

This subpart prescribes the joint regulations of the National Transportation Safety Board and the Coast Guard for the investigation of marine casualties.

[CGD 82-034, 47 FR 45882, Oct. 14, 1982]